

P O R T E R | S C O T T

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEAN RIKER,

Plaintiff,

v.

DISTILLERY; RONALD ALVERNAZ;
JAMES DUNPHY, JR.; JAMES DUNPHY,
SR., and DOES 1 through 50, Inclusive,

Defendants.

Case No. 2:08-CV-00450-MCE-JFM

**EX PARTE APPLICATION AND
DECLARATION OF COUNSEL IN
SUPPORT THEREOF TO EXTEND
PAGE LIMITS FOR DEFENDANTS
DISTILLERY, RONALD ALVERNAZ
AND JAMES DUNPHY, JR.'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES,
LITIGATION EXPENSES AND
COSTS; [PROPOSED] ORDER
REGARDING PAGE EXTENSION**

Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR. (hereinafter "Defendants") hereby respectfully submit this Ex Parte Application for permission to file Defendant's Opposition to Plaintiff's Motion for Attorney's Fees, Litigation Expenses and Costs in excess of the twenty-page (20) limit as set by Pre-Trial (Status) Scheduling Order dated September 4, 2008.

EX PARTE APPLICATION AND DECLARATION OF COUNSEL IN SUPPORT THEREOF TO EXTEND PAGE LIMITS FOR DEFENDANTS DISTILLERY, RONALD ALVERNAZ AND JAMES DUNPHY, JR.'S OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY'S FEES, LITIGATION EXPENSES AND COSTS; [PROPOSED] ORDER REGARDING PAGE EXTENSION

DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION

I, Kayla C. Villa, declare:

1. I am an associate with the law firm of Porter Scott, a Professional Corporation, which is counsel of record for Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR. in the above-captioned matter. I am duly licensed to practice law in all courts of the State of California and in the United States District Court for the Eastern District of California. I declare the facts stated herein from my own personal knowledge and, if called to do so, I could and would competently testify thereto.

2. On August 28, 2009, Plaintiff JEAN RIKER late-filed her Motion for Statutory Attorney's Fees, Litigation Expenses, and Costs. Accompanying Plaintiff's motion were twenty-five (25) exhibits, including Plaintiff's counsels' billing records. Defendants contest a significant amount of both Mr. Thimesch and Mr. Farber's billing entries. Each contested billing entry is set forth in the Defendants' Opposition which resulted in a significant number of pages disputing such entries.

3. Given the excessive amount of attorney's fees, litigation expenses and costs sought by Plaintiff, it is imperative that Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR. address, in detail, not only the factual and procedural background of this litigation as well as present opposing legal authority, but also indicate each billing entry that is disputed by the Defendants. An adequate analysis requires discussion of numerous documents, legal authorities and specific itemization of disputed billing entries.

4. Defendants have used their best efforts to present its position in as few pages as possible, however, the memorandum of point and authorities in opposition remains in excess of twenty (20) pages. As such, Defendants request the page limit for this opposition be increased to thirty (30) pages (although Defendants hope it will be shorter).

5. Unless the Court grants leave to file a memorandum in opposition to Plaintiff's Motion for Reasonable Attorney's Fees, Litigation Expenses and Costs in excess of the twenty (20) page limit, Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR. will be denied the opportunity to present to the Court a complete analysis of the disputed billing entries.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct, and if called to testify as a witness in this matter I can and will testify competently as to the matters of fact contained herein based upon my personal knowledge.

Dated this 21st day of September 2009, at Sacramento, California.


Kayla C. Villa

ORDER

This Ex Parte Application for permission to file a Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for Reasonable Statutory Attorney's Fees, Litigation Expenses and Costs, in excess of the page limitations set forth in the Pre-Trial (Status) Scheduling Order dated September 4, 2008, was filed by Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR. and was entertained on an ex parte basis. The Court has reviewed the motion and found good cause to grant Defendants' requests for page extensions. Therefore:

IT IS HEREBY ORDERED that Defendants DISTILLERY, RONALD ALVERNAZ and JAMES DUNPHY, JR.'S Ex Parte Application to extend the page limitation from twenty (20) pages to thirty (30) pages for their Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for Reasonable Attorney's Fees, Litigation Expenses and Costs, be granted.

Dated: September 23, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

EX PARTE APPLICATION AND DECLARATION OF COUNSEL IN SUPPORT THEREOF TO EXTEND PAGE
LIMITS FOR DEFENDANTS DISTILLERY, RONALD ALVERNAZ AND JAMES DUNPHY, JR.'S OPPOSITION
TO PLAINTIFF'S MOTION FOR ATTORNEY'S FEES, LITIGATION EXPENSES AND COSTS; [PROPOSED]
ORDER REGARDING PAGE EXTENSION